



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/562,601	Christiaan Daniel Dan Hengst	101137-70 <i>BSL</i>

INTERNATIONAL APPLICATION NO.

PCT/NL04/00474

I.A. FILING DATE	PRIORITY DATE
07/02/2004	07/02/2003

27389
 NORRIS, MCLAUGHLIN & MARCUS
 875 THIRD AVE
 18TH FLOOR
 NEW YORK, NY 10022

CONFIRMATION NO. 4154

371 FORMALITIES LETTER



OC000000023157576

Date Mailed: 04/02/2007

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/28/2005
- Copy of the International Search Report filed on 12/28/2005
- Preliminary Amendments filed on 12/28/2005
- Information Disclosure Statements filed on 12/28/2005
- Biochemical Sequence Diskette filed on 03/01/2007
- Oath or Declaration filed on 03/01/2007
- Request for Immediate Examination filed on 12/28/2005
- U.S. Basic National Fees filed on 12/28/2005
- Priority Documents filed on 12/28/2005
- Specification filed on 12/28/2005
- Claims filed on 12/28/2005
- Abstracts filed on 12/28/2005
- Drawings filed on 12/28/2005

Applicant's response filed 03/01/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 01/11/2007 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825

- (d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c) Applicant must provide an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application** and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000).
 - A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/562,601	PCT/NL04/00474	101137-70

FORM PCT/DO/EO/916 (371 Formalities Notice)

STIC Biotechnology Systems Branch

RAW SEQUENCE LISTING **ERROR REPORT**

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 10/562,601
Source: FWO
Date Processed by STIC: 3/5/07

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,**
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY**

FOR CRF SUBMISSION AND PATENTIN SOFTWARE QUESTIONS, PLEASE CONTACT MARK SPENCER, TELEPHONE: 571-272-2510; FAX: 571-273-0221

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 4.4.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW FOR ADDRESS:

<http://www.uspto.gov/web/offices/pac/checker/chkrnote.htm>

Applicants submitting genetic sequence information electronically on diskette or CD-Rom should be aware that there is a possibility that the disk/CD-Rom may have been affected by treatment given to all incoming mail.

Please consider using alternate methods of submission for the disk/CD-Rom or replacement disk/CD-Rom.

Any reply including a sequence listing in electronic form should NOT be sent to the 20231 zip code address for the United States Patent and Trademark Office, and instead should be sent via the following to the indicated addresses:

- 1. EFS-Bio (<<http://www.uspto.gov/ebs/efs/downloads/documents.htm>> , EFS Submission User Manual - ePAVE)**
- 2. U.S. Postal Service: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450**
- 3. Hand Carry, Federal Express, United Parcel Service, or other delivery service (EFFECTIVE 01/14/05):
U.S. Patent and Trademark Office, Mail Stop Sequence, Customer Window, Randolph Building, 401 Dulany Street,
Alexandria, VA 22314**

Revised 01/10/06



IFWO

RAW SEQUENCE LISTING

DATE: 03/05/2007

PATENT APPLICATION: US/10/562,601

TIME: 13:44:39

Input Set : N:\efs\03_05_07\10562601_efs\sequencelisting.txt

Output Set: N:\CRF4\03052007\J562601.raw

3 <110> APPLICANT: Hengst den, Christiaan D.
 4 Gajic, Olivera
 5 Kuipers, Oscar P.
 6 Kok, Jan
 7 Sikkema, Jan
 8 Geurts, Johannes M.W.
 9 Nauta, Arjen
 11 <120> TITLE OF INVENTION: Methods and means for regulating gene expression
 13 <130> FILE REFERENCE: P63590US00
 15 <140> CURRENT APPLICATION NUMBER: US 10/562,601
 16 <141> CURRENT FILING DATE: 2005-12-28
 18 <150> PRIOR APPLICATION NUMBER: PCT/NL2004/000474
 19 <151> PRIOR FILING DATE: 2004-07-02
 21 <150> PRIOR APPLICATION NUMBER: EP 03077074.7
 22 <151> PRIOR FILING DATE: 2003-07-02
 24 <160> NUMBER OF SEQ ID NOS: 234
 27 <170> SOFTWARE: PatentIn Ver. 3.3

Does Not Comply
Corrected Diskette Needed

see p. 2, 4

ERRORED SEQUENCES

2299 <210> SEQ ID NO: 179
 2300 <211> LENGTH: 26
 2301 <212> TYPE: DNA
 2302 <213> ORGANISM: Artificial Sequence
 2304 <220> FEATURE:
 2305 <223> OTHER INFORMATION: presence of the putative CodY box in arca
 E--> 2307 <400> SEQUENCE: 179
 2308 atattttttt aaaaattttt taaaaa

26

<210> 179
<211> 26
<212> DNA
<213> Artificial Sequence

<220>
<223> presence of the putative CodY box in arca

<400> 179
atattttttg aaaaattttt taaaaa

26

delete extra opening bracket

VERIFICATION SUMMARY

PATENT APPLICATION: US/10/562,601

DATE: 03/05/2007

TIME: 13:44:40

Input Set : N:\efs\03_05_07\10562601_efs\sequencelisting.txt

Output Set: N:\CRF4\03052007\J562601.raw

L:2307 M:212 E: (34) Invalid or duplicate Sequence ID Number, SEQUENCE ID NOS:179 differs:178
L:2739 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:214,Line#:2732
L:2744 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:214,Line#:2737
L:2750 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:214,Line#:2742
L:2750 M:258 W: Mandatory Feature missing, <223> Blank for SEQ#:214,Line#:2747
L:2914 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:227 after pos.:0
L:2931 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:228 after pos.:0
L:2960 M:341 W: (46) "n" or "Xaa" used, for SEQ ID#:230 after pos.:0

10/562,601 4

<210> 15
<211> 8
<212> PRT
<213> Artificial Sequence

<220>
<223> consensus sequence GTP binding motif in CodY homologs

<220>
<221> Variant
<222> (2)..(2)
<223> Arg

if the amino acid at this location can represent another amino acid, use "Xaa" instead, and specify in <2207-2237 section

<220>
<221> Variant
<222> (3)..(3) *same*
<223> Met, Gly, Ile, Lys, Gln

<220>
<221> Variant
<222> (4)..(4) *same*
<223> Gly

<220>
<221> Variant
<222> (5)..(5) *same*
<223> Thr

<220>
<221> Variant
<222> (7)..(7) *same*
<223> Ser

<400> 15
Gly Gly Glu Arg Leu Gly Thr Thr
1 5